



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

Docket No. 3556-22
Ref: Signature Date

Dear [REDACTED],

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 1 June 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your father's naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to establish eligibility to receive Survivor Benefit Plan (SBP) annuity. The Board, in its review of your father's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Department of Defense Financial Management Regulation 7000.14-R outlines the requirements for SBP elections. Specifically, the policy indicates the election to participate in or decline SBP coverage is irrevocable. Additionally, a child of a Service member is an eligible beneficiary provided they are under the age of 18, or at least 18 but under 22 and pursuing a full-time course of study in a recognized educational institution. A review of your father's record indicates he transferred to the Retired Reserve with pay effective 22 July 1983 and was enrolled in SBP Spouse only coverage, thereby rendering you ineligible for SBP annuity. Subsequent to your father's death, an audit was conducted on his pay account and Defense Finance and Accounting Service determined SBP Spouse coverage premium continued to be deducted from his retired pay after

the death of your mother on 8 January 2000. As such, you were refunded the premiums with the arrears of pay payment. Pursuant to Title 31, U.S. Code, Section 3702(b)(1), the premiums from 1 February 2000 through 15 August 2010, in the amount of \$1,897.00 is barred. However, the Board noted that you are eligible to submit a new DD Form 149, Application for Correction of Military Record Under the Provisions of Title 10 U.S. Code, Section 1552 to this Board to receive the barred payment for the period.

Sincerely,

6/21/2022

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Deputy Director

Signed by: ■